

**BOARD OF ZONING APPEALS
TOWN/VILLAGE OF HARRISON, NEW YORK**

Calendar No. Z21-006

Date: May 13, 2021

Property Owner: Purchase Realty Group, LLC

Property Address: 16 Magnolia Drive

Block 961, Lot 23

WHEREAS, an application was filed for a building permit with respect to a proposed addition to be constructed on the property and that application was denied by a determination of Harrison's Building Inspector (the administrative official charged with the enforcement of Harrison's Town Code, Chapter 235 (Zoning)) that the application did not strictly comply with the Code's requirements; and

WHEREAS, Jonathan Villani filed an application on February 18, 2021 on behalf of the owner Purchase Realty Group, LLC for an area variance to construct a detached three car garage. The property is located on a corner lot with 2 front yards (Magnolia Drive and Laurel Way). Pursuant to the Code of the Town/Village of Harrison §235-9(B) the Table of Dimensional Regulations and §235-18 B.(2) the application requires 3 variances: 1) As per §235-9(B) the Table of Dimensional Regulations the Maximum Height of an Accessory Structure is 15 feet. The proposed garage has a height of 17 feet 2 inches; *thus requiring a variance of 2 feet 2 inches.* 2) As per §235-18 B(2) the required front yard setback for an accessory structure is 75 feet. The proposed garage has a front yard setback of 57 feet from Magnolia Drive; *thus requiring a variance of 18 feet.* 3) As per §235-18 B(2) the required front yard setback for an accessory structure is 75 feet. The proposed garage has a front yard setback of 28.67 feet from Laurel Way; *thus requiring a variance of 46.33 feet*; and

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, held via Video Conference using the Platform Zoom, Harrison, New York, at 7:30 p.m., on April 8, 2021 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present at the meeting or indicated that they had listened to tapes of the meeting: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel, William Harold, Michael Tiesi and Thomas Haynes; and

WHEREAS, the Board reviewed the Short Environmental Assessment Form submitted by the applicant, declared itself to be Lead Agency within the meaning of New York State Environmental Quality Review Act, Environmental Conservation Law, Article 8, §§8-0101 et seq., and the regulations there under, 6 N.Y.C.R.R. Part 617, and determined that the action was a Type II Action for which no Environmental Impact Statement was required; and

WHEREAS, Board Members had inspected the site; and

WHEREAS, at said Hearing, the applicant appeared in support of the variance, all those who desired to be heard were heard and the Board reviewed the documents submitted to it; and

WHEREAS, the Board reviewed all testimony and documents submitted and have carefully considered:

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- (A) The benefits to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;
- (B) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;
- (C) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than a variance;
- (D) Whether the requested variance is substantial;
- (E) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- (F) Whether the alleged difficulty was self-created.

WHEREUPON, the Board found, after due deliberation, based upon the testimony and documents submitted and its site visit, pursuant to Town Law §§267-a and 267-b and Harrison Town Code §§235-56 et seq., it has jurisdiction to grant the requested variance and that the variance sought was the minimum variance necessary and adequate and at the same time preserved and protected the character of the neighborhood and the health, safety and welfare of the community.

The Board found that:

1. Applicant's property is located in the R-2 Zoning District and is in an R-1 Cluster development. The property is located on a corner lot with 2 front yards, Magnolia Drive and Laurel Way.
2. The three car garage is at a higher topographical elevation than Laurel Way. The proposal includes a retaining wall and nine 8 foot evergreen trees to be planted along the retailing wall to help shield the height of the garage from Laurel Way.
3. There were no objections from neighbors.
4. No undesirable change in the character of the neighborhood or detriment to nearly properties will be created by the granting of the variances.

Based on the foregoing and a balancing of the factors we are required to consider, we believe that it is appropriate to grant the requested variances.

NOW THEREFORE BE IT RESOLVED that the application to construct a detach three car garage, as indicated in the revised plans submitted with this application be, and the same is hereby granted subject to the following.

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Except as specifically set forth above, nothing herein shall be construed to indicate this Board's approval of any architectural, design or structural elements of the submitted plans by Annunziata & Villani Design Consultants, Engineer, A-001, A-002, A-003A-004, A-005, A-006 dated March 23, 2020, last revised March 25, 2021.

Foregoing Resolution submitted by Zoning Board Member William Harold, seconded by Zoning Board Member Steven Lowenthal at the May 13, 2021 meeting.

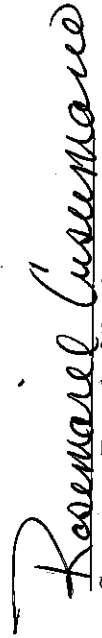
ADOPTED: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel, William Harold, Michael Tiesi and Thomas Haynes

AYES: None

NAYS: None

ABSTAINED: None

ABSENT: None


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

THIS IS NOT A BUILDING PERMIT. A Building Permit must be obtained from the Building Inspector before any work is started. Other permits or approvals may also be required before work starts. If you have any questions, please call the Building Department.

APPROVED

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Purchase Realty Group, LLC
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**BOARD OF ZONING APPEALS
TOWN/VILLAGE OF HARRISON, NEW YORK**

Calendar No. Z21-008

Date: May 13, 2021

Property Owner: Thompson Crozier

Property Address: 58 Sunnyside Avenue

Block 245 Lot 12

WHEREAS, the applicant, the property owner, applied for a Building Permit and that application was denied by a determination of Harrison's Building Inspector (the administrative official charged with the enforcement of Harrison's Town Code, Chapter 235 (Zoning)) that the application did not strictly comply with the Code's requirements; and

WHEREAS, Thompson Crozier, filed an application on March 11, 2021 for an area variance from the Zoning Ordinance to construct a new front porch. This property is located in an R-75 Zoning District. The property is legally existing and non-conforming with regards to the front yard setback 22.8 feet and the side yard setback 5.1 feet. Pursuant to the Code of the Town/Village of Harrison §235-9(B) the Table of Dimensional Regulations the application requires 2 variances: **1)** The minimum required front yard setback is 30 feet, the proposed front porch with a front yard setback of 20 feet; *thus requiring a variance of 10 feet.* **2)** The minimum required side yard setback if 10 feet, the proposed front with a side yard setback of 7.43 feet; *thus requiring a variance of 2.57 feet; and*

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, held via Video Conference using the Platform Zoom, Harrison, New York, at 7:30 p.m., on April 8, 2021 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present at the meeting or indicated that they had listened to tapes of the meeting: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel, William Harold, Michael Tiesi and Thomas Haynes; and

WHEREAS, the Board reviewed the Short Environmental Assessment Form submitted by the applicant, declared itself to be Lead Agency within the meaning of New York State Environmental Quality Review Act, Environmental Conservation Law, Article 8. 888-0101 et seq., and the regulations there under, 6 N.Y.C.R.R. Part 617, and determined that the action was a Type II action for which no Environmental Impact Statement was required: and

WHEREAS, Board Members had inspected the site; and

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WHEREAS, at said Hearing, the applicant appeared in support of the variance and no one appeared in opposition. All those who desired to be heard were heard and the Board reviewed the documents submitted to it; and

WHEREAS, the Board reviewed all testimony and documents submitted and have carefully considered:

- (A) the benefits to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of neighborhood or community by such grant;
- (B) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;
- (C) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
- (D) whether the requested variance is substantial;
- (E) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- (F) whether the alleged difficulty was self-created.

WHEREUPON, the Board found after due deliberation based upon the testimony and documents submitted and its site visit pursuant to town law, Section 267-a and 267-b and Harrison Town Code Section 235-56, et seq., it has jurisdiction to consider the requested variances.

The Board found that:

1. The subject property is legally existing and non-conforming with regards to the front yard setback and the side yard setback.
2. The new front entry will encroach less into the front yard setback than the existing which will help reduce the non-conformity.
3. The Board received letters from the neighbors in favor of the application.
4. No undesirable change in the character of the neighborhood or detriment to nearby properties will be created by the granting of the variances.

NOW THEREFORE BE IT RESOLVED that the application to construct a new front porch, as indicated in the revised plans submitted with this application be, and the same is hereby granted subject to the following.

Except as specifically set forth above, nothing herein shall be construed to indicate this Board's approval of any architectural, design or structural elements of the submitted plans by JMR Architectural Design Consultants LLC, C1.0, EX1.0, A1.0 A1.1, A2.0, A3.0, A3.1 dated February 24, 2021.

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Foregoing Resolution submitted by Zoning Board Member Ernest Fiore, seconded by Zoning Board Member Michael Tiesi, at the meeting on May 13, 2021.

ADOPTED: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel, William Harold, Michael Tiesi and Thomas Haynes

AYES: None

NAYS: None

ABSTAINED: None

ABSENT: None


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

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**BOARD OF ZONING APPEALS
TOWN/VILLAGE OF HARRISON, NEW YORK**

Calendar No. Z21-009

Date: May 13, 2021

Property Owner: Rocco DiLuna

Property Address: 75-77 Lakeview Avenue

Block 874 Lot 29.01

WHEREAS, the applicant, the property owner, filed plans to legalize an existing fence and that application was denied by a determination of Harrison's Building Inspector (the administrative official charged with the enforcement of Harrison's Town Code, Chapter 235 (Zoning)) that the application did not strictly comply the Code's requirements; and

WHEREAS, Rocco DiLuna, filed an application on March 15, 2021 for an area variance from the Zoning Ordinance to legalize an existing 6 foot fence. This property is located in a B Zoning District and pursuant to §235-26C(5) Fences and Walls, Corner lot fences and walls may be up to 6' 6" high in required front yards that are opposite side yard lines only if (a) The fence is installed in that portion of the required front yard that lies between the nearest rear wall of the dwelling and the rear lot line. (b) The fence is set back a minimum of 5 feet from the front lot line. (c) Appropriate ornamental planting or natural buffer is provided in the form of plant material approved by the Building Inspector. The existing fence exceeds the allowable height of 4 feet; *thus requiring a 2 foot variance; and*

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, held via Video Conference using the Platform Zoom, Harrison, New York, at 7:30 p.m., on April 8, 2021 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present at the meeting or indicated that they had listened to tapes of the meeting: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel, William Harold, Michael Tiesi and Thomas Haynes; and

WHEREAS, the Board reviewed the Short Environmental Assessment Form submitted by the applicant, declared itself to be Lead Agency within the meaning of New York State Environmental Quality Review Act, Environmental Conservation Law, Article 8. 888-0101 et seq., and the regulations there under, 6 N.Y.C.R.R. Part 617, and determined that the action was a Type II action for which no Environmental Impact Statement was required: and

WHEREAS, Board Members had inspected the site; and

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WHEREAS, at said Hearing, the applicant appeared in support of the variance and no one appeared in opposition. All those who desired to be heard were heard and the Board reviewed the documents submitted to it; and

WHEREAS, the Board reviewed all testimony and documents submitted and have carefully considered:

- (A) the benefits to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of neighborhood or community by such grant;
- (B) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;
- (C) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
- (D) whether the requested variance is substantial;
- (E) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- (F) whether the alleged difficulty was self-created.

WHEREUPON, the Board found after due deliberation based upon the testimony and documents submitted and its site visit pursuant to town law, Section 267-a and 267-b and Harrison Town Code Section 235-56, et seq., it has jurisdiction to consider the requested variances.

The Board found that:

1. The subject property considered to have two front yards. The home is located on the corner of Lakeview Avenue and Hancock Street.
2. The subject property has a street address of Lakeview Avenue but the main door to 75 Lakeview Avenue actually faces Hancock Street which gives the appearance of a side yard not rear yard.
3. The existing 6 foot fence installed along Hancock Street is in keeping with the character of the neighborhood as the Zoning Board of appeals has granted others nearby.
3. There were no objections from neighbors.
4. No undesirable change in the character of the neighborhood or detriment to nearby properties will be created by the granting of the variances.

NOW THEREFORE BE IT RESOLVED, that the application for a variance to legalize an existing 6 foot height fence along Hancock Street be, and hereby is granted, subject to the following conditions:

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Except as specifically set forth above, nothing herein shall be construed to indicate this Board's approval of any architectural, design, or structural elements of the submitted plans.

Foregoing Resolution submitted by Zoning Board Member Thomas Haynes, seconded by Zoning Board Member Michael Tiesi, at the meeting on May 13, 2021.

ADOPTED: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel, William Harold, Michael Tiesi and Thomas Haynes

AYES: None

NAYS: None

ABSTAINED: None

ABSENT: None


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

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**BOARD OF ZONING APPEALS
TOWN/VILLAGE OF HARRISON, NEW YORK**

Calendar No. Z21-010

Date: May 13, 2021

Property Owner: 11 Purdy Group LLC

Property Address: 11 Purdy Street

Block 171 Lot 36

WHEREAS, the applicant, the property owner, applied for a Building Permit and that application was denied by a determination of Harrison's Building Inspector (the administrative official charged with the enforcement of Harrison's Town Code, Chapter 235 (Zoning)) that the application did not strictly comply with the Code's requirements; and

WHEREAS, Albert Pirro, Attorney filed an application on March 16, 2021 on behalf of 11 Purdy Group LLC for an area variance from the Zoning Ordinance to construct a new 5 story multi-family building with on grade parking. This property is located in a CBD Zoning District and pursuant to §235-12(B) of the Table of Dimensional Regulations of the Zoning Ordinance of the Town/Village of Harrison. The maximum allowable Height in feet is 45, the maximum height in stories is 4. The property has been added to the downtown revitalization area reducing the required parking spaces to 1.25 per dwelling unit. §235-35(E) Also the waiver shall not be used for residential usage. §235-25-A Park and usable open space requirements for multiple dwelling. Usable open space shall be provided on the site of multiple dwelling at the rate of 200 square feet for each dwelling. As per §235-4 Definition of USABLE OPEN SPACE: A part of a residential lot required by this chapter to be set aside and to be designated for recreational use normally carried on outdoors, excluding automobile parking, drying yards and similar utility uses, provided that roof areas designed for such use and apartment terraces or balconies may be counted for 50% of such required "usable open space". §235-40-B Nonresidential access driveway requirements. Every separate entrance of exit driveway shall have a minimum unobstructed width of 15 feet. This application requires 5 variances: 1) The proposed building height is 50 feet; *thus requiring a variance of 5 feet.* 2) The proposed height in stories is 5; *thus requiring a variance for 1 additional story.* 3) The proposed parking is 11 spaces; *thus requiring a variance for 4 spaces not provided.* The 10 space waiver is intended for business uses and not residential purposes. Also as per §235-35-A-E this Block and Lot is not included in the parking waiver. 4) The open space required for the 12 proposed units is 2,400 square feet. This is to provide a proper density factor of the number of units. The open space provided is approximately 1,923 square feet; *thus requiring a variance of 477 square feet under the required 2,400 square feet; and*

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, held via Video Conference using the Platform Zoom, Harrison, New York, at 7:30 p.m., on April 8, 2021 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present at the

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meeting or indicated that they had listened to tapes of the meeting: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel, William Harold and Thomas Haynes; and

WHEREAS, the Board reviewed the Short Environmental Assessment Form submitted by the applicant, declared itself to be Lead Agency within the meaning of New York State Environmental Quality Review Act, Environmental Conservation Law, Article 8. 888-0101 et seq., and the regulations there under, 6 N.Y.C.R.R. Part 617, and determined that the action was a Type II action for which no Environmental Impact Statement was required: and

WHEREAS, Board Members had inspected the site; and

WHEREAS, at said Hearing, the applicant appeared in support of the variance and no one appeared in opposition. All those who desired to be heard were heard and the Board reviewed the documents submitted to it; and

WHEREAS, the Board reviewed all testimony and documents submitted and have carefully considered:

- (A) the benefits to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of neighborhood or community by such grant;
- (B) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;
- (C) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
- (D) whether the requested variance is substantial;
- (E) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- (F) whether the alleged difficulty was self-created.

WHEREUPON, the Board found after due deliberation based upon the testimony and documents submitted and its site visit pursuant to town law, Section 267-a and 267-b and Harrison Town Code Section 235-56, et seq., it has jurisdiction to consider the requested variances.

The Board found that:

1. The Project consists of the demolition of an existing 2-story frame residence and proposed the construction of a 12 unit multi-family residential building along with 11 off-street at-grade parking spaces. The property extends from Purdy Street to Soulard Street. The property is located in the CBD Zoning District (Central Business District).
2. The Project is located in the CBD District and the provisions of the Ordinance require applicant to obtain a special exemption permit in order to build the Project. On the Purdy Street side, the CBD District extends from Halstead

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Avenue to the property line for the Project. The remainder of Purdy Street ends at Park Avenue and is also in the NB District. One and two family residences are not a permitted use in either the CBD District or NB District. At present, the properties on Purdy Street consist of 5 multi-story apartment buildings, 9 commercial/multi-use and other non-residential properties and six, 1, 2 or 3 family houses. In view of the existing zoning, a substantial portion of these properties appear to be prior non-conforming.

3. The unique design of the Project as well as the nature of the property on Purdy Street serves to buttress the conclusion that the granting of a height and 1 story variance will not create an undesirable change in the character of the neighborhood. The commercial character of Halstead Avenue and Harrison Avenue will be preserved and enhanced by the adjoining neighborhood businesses as well as Harrison Playhouse Lofts and the AvalonBay projects in the process of being built. Purdy Street is already populated by a significant number of multi-story apartment buildings.
4. The Ordinance requires a minimum of 200 square feet of open space per unit or a total of 2,400 square feet. Applicant has provided for 1,923 square feet of open space for the residents in the form of a rooftop recreation area and open space located on Soulard Street. While the rooftop recreation area does not technically count for purposes of satisfying the technical requirements of the Ordinance, we find that applicant has provided a sufficient amount of open space (2,400 square feet) to justify the granting of an open space variance.
5. Applicant has provided 11 parking spaces for residents and requires a four space variance. All of this parking is on-grade and under the circumstances, we view this aspect of the variance request to be of a de minimis nature. In addition, there are existing available public parking areas located in close proximity that can currently accommodate parking for additional tenant and visitor parking.
6. Applicant has provided for one driveway of 15 feet. The driveway will be located on Purdy Street and exit on to Soulard Street.
5. There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for a variance to construct a 5 story multi-family building with on grade parking be, and hereby is granted, subject to the following conditions:

Except as specifically set forth above, nothing herein shall be construed to indicate this Board's approval of any architectural, design or structural elements of the submitted plans by SJC Engineering, Engineer, A-000.00, A-001.00, A-002.00, A-003.00, A-100.00, A-101.00, A-102.00, A-103.00, A-104.00, A-105.00, A-200.00 dated August 18, 2020, last revised February 8, 2021.

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Foregoing Resolution submitted by Zoning Board Member Ernest Fiore, seconded by Zoning Board Member Thomas Foristel, at the meeting on May 13, 2021.

ADOPTED: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel, William Harold and Thomas Haynes

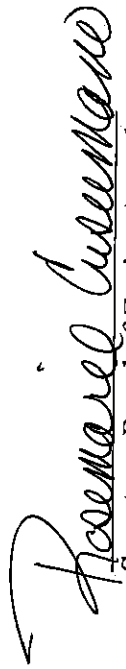
AYES: None

NAYS: None

ABSTAINED: None

ABSENT: None

RECUSED: Michael Tiesi


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

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APPROVED
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